

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

**ROCIA PATRICK, and MICHAEL R.
PATRICK, SR., as representative for
minor children,**

Plaintiffs,

v.

**SOCIAL SECURITY
ADMINISTRATION,**

Defendants.

**MEMORANDUM DECISION
& ORDER**

Case No. 2:14-cv-00937

**United States District Court Judge Dee
Benson**

Magistrate Judge Dustin Pead

This matter was referred to Magistrate Judge Dustin Pead by District Judge Dee Benson pursuant to 28 U.S.C. § 636(b)(1)(B) (doc. 4).

On January 1, 2015, Magistrate Judge Brook C. Wells granted Plaintiff Rocia Patrick and Michael R. Patrick Sr.'s (collectively "Plaintiffs") request to proceed *in forma pauperis* (doc. 2). On that same day, Plaintiffs filed a copy of their Complaint with the court (doc. 3). Thereafter, on January 12, 2015, Plaintiffs filed their pending "Motion For Arraignment Proceedings" (doc. 5), "Motion For Grand Jury Investigation" (doc. 6) and a "Motion To Show Cause" (doc. 7).

After filing a Complaint, a party has one hundred and twenty days (120) within which to effect service of process on the Defendant. *See* Fed. R. Civ. P. 4(m) (if defendant is not served within 120 days after the complaint is filed, the court "must dismiss the action without prejudice against that defendant or order that service be made within a specified time"). Here, while the time within which to do so has not yet expired, Plaintiffs have not served Defendant with a copy of the complaint or requested that the Court issue an order requiring the United States Marshal to

do so pursuant to 28 U.S.C. § 1915. As a result, it is inappropriate, at this juncture, for Plaintiffs to file motions related to a Complaint that Defendants are not aware of and to which they have had no opportunity to respond.

Accordingly, the Court rules as follows

1. Plaintiffs' "Motion For Arraignment Proceedings"(doc. 5), "Motion For Grand Jury Investigation"(doc. 6) and "Motion To Show Cause" (doc. 7) are hereby denied without prejudice.
2. Plaintiffs may renew their motions, if appropriate, after service of the complaint upon Defendant.

IT IS SO ORDERED.

DATED this 28th day of January, 2015.



Dustin Pead
U.S. Federal Magistrate Judge